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BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

SPECIAL SERVICES REFORM, 1996

Docket No. MC96-3

DOUGLAS F. CARLSON
MOTION TO COMPEL UNITED STATES POSTAL SERVICE
WITNESS SUSAN W. NEEDHAM
TO ANSWER INTERROGATORY DFC/USPS-T7-5(a)

August 31, 1996

Pursuant to section 25(d) of the Rules of Practice, I, Douglas F. Carlson, hereby request that the commission order United States Postal Service witness Susan W. Needham to answer interrogatory DFC/USPS-T7-5(a).

BACKGROUND

Interrogatory DFC/USPS-T7-5 reads as follows:

In Section IX, you introduced newspaper articles as evidence of the "high value of service from, and the demand for, post-office-box service." USPS-T-7 at p. 25, lines 19-20.

a. Do you confirm that post offices in towns and cities with vanity addresses experience a demand for boxes by nonresidents that is atypically higher than the general pattern of demand for boxes by nonresidents that the entire pool of post offices in the country experiences? If not, please explain and provide available data.

b. If your answer to (a) is yes, for typical, non-vanity post offices do you confirm that factors other than prestige of the address may be most significant for nonresidents who obtain box service at other than their local post office?

Witness Needham responded as follows:

(a) I am unable to confirm because the demand for boxes by non-residents in United States border towns may be even higher than the demand in vanity address areas.



Additionally, I am not aware of all non-vanity, non-border cities and towns that, for whatever reasons, may have atypically higher demands for box service by non-residents.

(b) Not applicable. Moreover, I do not have the information to confirm.

DISCUSSION

The question in subsection (a) is straightforward. However, witness Needham has failed to answer the question. Instead, she merely cites two irrelevant factors about which she has no information as evidence that she does not have sufficient information to answer the question.

First, in claiming she cannot state whether demand for boxes with vanity addresses is atypically higher than the general pattern of demand for boxes nationwide, witness Needham notes that she is unaware of the demand for boxes by non-residents in United States border towns. Response to Interrogatory DFC/USPS-T7-5(a). Border towns are completely irrelevant because they are atypical and, by definition, not representative of the general pattern of demand for boxes by nonresidents in the entire pool of post offices in the country. See witness Landwehr's testimony at USPS-T-3, p. 10, lines 14-16. The question asks for a comparison of demand for boxes with vanity addresses with the general pattern of demand in the country.

Second, witness Needham claims that she cannot state whether demand for boxes with vanity addresses is atypically higher than the general pattern of demand because she is not aware of all "non-vanity, non-border cities and towns that,

for whatever reasons, may have atypically higher demands for box service by non-residents." Response to Interrogatory DFC/USPS-T7-5(a) (emphasis added). Non-vanity, non-border cities and towns that may have atypically higher demand are atypical and therefore irrelevant to a discussion of the general pattern of demand for boxes.

Since the two irrelevant sentences quoted above comprise witness Needham's entire answer, witness Needham has failed to answer the question or explain why she cannot answer it.

CONCLUSION

Interrogatory DFC/USPS-T7-5(a) is highly relevant to this proceeding because the Postal Service's case for the nonresident fee seems to be based on the premise that nonresidents obtain boxes for prestige, business, or convenience reasons. USPS-T-7, p. 37, lines 15-17. However, the only testimony presented in the case discusses three atypical vanity or border post offices that hardly are representative of post offices in general. USPS-T-3, p. 10, lines 14-16. Since the nonresident fee would be applied at all post offices nationwide, the question of whether the demand for vanity addresses by nonresidents is atypically higher than the general pattern of demand nationwide for boxes by nonresidents is critical for evaluating the reasons why people obtain nonresident boxes and the burdens these nonresident boxholders might impose on the Postal Service.

For example, if the offices with vanity addresses experience a demand for boxes by nonresidents that is atypically higher than the general pattern of demand for boxes nationwide, then perhaps the people who hold nonresident boxes at non-vanity addresses hold their boxes for reasons other than prestige, such as a desire to avoid service problems they experience at their local post office. A nonresident fee arguably would penalize these customers, not accurately reflect the added value of nonresident box service. A comparison of the two patterns of demand will be important evidence in resolving this issue.

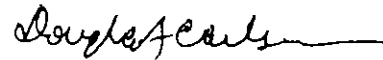
In the spirit of reducing motion practice (see Presiding Officer's Ruling No. MC96-3/3, Attachment B, p. 2), I contacted counsel for the Postal Service on August 28, 1996, to request a revised answer. Counsel and/or witness Needham refused to provide a revised answer to my question. The Postal Service's refusal to answer my question contradicts the commission's desire to expedite discovery through written interrogatories. See Rules of Practice § 25 and Ruling No. MC96-3/3, Attachment B, p. 6. Therefore, I regretfully request that the commission order the Postal Service to answer interrogatory DFC/USPS-T7-5(a).

Dated: August 31, 1996


DOUGLAS F. CARLSON

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required participants of record in accordance with section 12 of the Rules of Practice and sections 3(B)(3) and 3(C) of the Special Rules of Practice.



DOUGLAS F. CARLSON

August 31, 1996
Emeryville, California